

OCT 23 2003

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

MALIKIMRAN MALIK, aka Imran Malik,

Petitioner,

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

No. 02-72474

Agency No. A70-072-108

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted October 9, 2003
San Francisco, California

Before: CUDAHY,** GOODWIN, and KLEINFELD, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable Richard D. Cudahy, Senior United States Circuit Judge for the Seventh Circuit, sitting by designation.

The adverse credibility determination survives review under the substantial evidence standard.¹ The BIA articulated substantial reasons that bear a “legitimate nexus” to the determination.²

The BIA and IJ noted that: (1) Malik returned several times to Pakistan from Iran, despite the claimed danger; (2) Malik’s testimony regarding his trip to Dubai was inconsistent with the stamps in his passport; (3) the Country Report does not support Malik’s account; (4) Malik’s refusal to respond to a subpoena in Pakistan for fear of bringing himself to the authorities’ attention was inconsistent with the letters his family wrote to high-level government officials; and (5) Malik made false statements to a United States immigration official. Also, (6) Malik failed to corroborate his testimony with documentary evidence. Though corroboration is not required, “where the IJ has reason to question the applicant’s credibility, and the applicant fails to produce non-duplicative, material, easily

¹ Gui v. INS, 280 F.3d 1217, 1225 (9th Cir. 2002).

² Aguilera-Cota v. INS, 914 F.2d 1375, 1381 (9th Cir. 1990).

available corroborating evidence and provides no credible explanation for such failure, an adverse credibility finding will withstand appellate review.”³

Petition DENIED.

³ Sidhu v. INS, 220 F.3d 1085, 1092 (9th Cir. 2000).